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AMENDMENT UNDER 37 C.F.R. § 1.111
Appln. No. 10/074,009

PATENT APPLICATION

REMARKS

Reconsideration and further examination of this application is hereby requested. Claims 1, 4, 7, 28, and 29 are currently pending in the application. Claims 2, 3, 5, 6, 8-27, and 30-47 have been canceled without prejudice to re-filing in a divisional application.

A. The Obviousness Rejections

Claim 1 has been rejected under 35 U.S.C. § 103(a) as being obvious over Ellsworth (US 3325061) or Maki (US 4252159) in view of Fekl (US 4085866). Claims 4 and 28-30 have been rejected under 35 U.S.C. § 103(a) as being obvious over Ellsworth or Maki in view of Fekl, Cohen (US 3747847), and Ausman (US 4308450). Claim 7 has been rejected under 35 U.S.C. § 103(a) as being obvious over Ellsworth or Maki in view of Fekl, Cohen, Ausman, Alessi (US 3672061), and Whitmire (US 4445370). These rejections are respectfully traversed based on the following arguments.

In order for a patent claim to be obvious, the prior art must teach or fairly suggest each and every limitation of the claim. That is because the claim must be considered as a whole.

Independent claim 1 recites the limitation that the syringe has

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a plurality of numeric non-volumetric measuring
indicia

(refer to lines 2 and 3), while also reciting the limitation
that the

syringe further comprises at least one additional
different type of non-volumetric measuring
indicia.

See claim 1 at the last three lines.

When considered together, the Ellsworth, Maki, Fekl, Cohen,
Ausman, Alessi, and Whitmire references do not teach or fairly
suggest a syringe that has plural numeric non-volumetric
measuring indicia, and additionally having at least one
additional different type of non-volumetric measuring indicia.

Due to this deficiency of the prior art, Applicant
respectfully submits that the PTO has not established a *prima*
facie case of obviousness with respect to claims 1, 4, 7, 28,
and 29.

For the above reasons, Applicant respectfully submits that
the application is in condition for allowance with claims 1, 4,
7, 28, and 29. If there remain any issues that may be disposed
of via a telephonic interview, the Examiner is kindly invited to
contact the undersigned at the telephone number given below.

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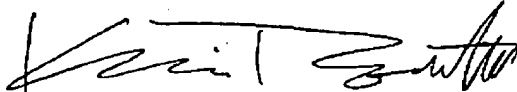
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No fee is believed to be due. However, in the event it is determined that a fee is required for consideration of this paper, please charge any necessary fee to Deposit Account No. 18-1579.

Respectfully submitted,

ROBERTS ABOKHAIR & MARDULA, LLC



Kevin L. PONTIUS
Reg. No. 37512

Please direct telephone inquiries to:

Kevin Pontius at (703) 391-2900 or (505) 922-1400

Please continue to direct correspondence to:

Roberts Abokhair & Mardula, LLC
11800 Sunrise Valley Dr.
Suite 1000
Reston, VA 20191